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Item 7 of the provisional agenda

PROGRAMME MATTERS

Environmentally sound management of chemicals, in particular those that are banned or severely restricted, in international trade

Report of the Executive Director

Addendum

1. In its decision 15/30, the Governing Council adopted the amended London Guidelines for the Exchange of Information on Chemicals in International Trade and requested the Executive Director to re-convene the Ad Hoc Working Group of Experts, which developed the prior informed consent (PIC) and other modalities to supplement the 1987 London Guidelines, with a view to:

(a) Monitoring the implementation of the amended London Guidelines, in particular the prior informed consent procedure (PIC) and the technical assistance provisions of part III of the Guidelines;

(b) Reviewing other activities related to production and use of chemicals in States with reference to the activities of UNEP, FAO, and other international organizations concerned;

(c) Preparing a report on any further steps that should be taken to supplement the amended London Guidelines, including the possible further need for a convention, for submission to the Governing Council at its sixteenth regular session.

2. The Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines held two sessions: the first in Nairobi from 15-19 October 1990, and the second in Geneva, from 8-12 April 1991. Both

were attended by experts from 28 countries, including 17 developing countries. The Sub-Working Group of Legal and Technical Experts to Examine and Revise a Draft Model National Legislation on the Management of Chemicals met in Nairobi from 14-16 January 1991 in accordance with the recommendations by the Ad Hoc Working Group at its first session.

3. Reviewing progress in the implementation of the amended London Guidelines, the Ad Hoc Working Group noted the status of the designation of national authorities: as at 1 April 1991, 97 countries had designated their national authorities for the implementation of the information exchange and PIC procedure of the amended London Guidelines and the FAO International Code of Conduct on the Distribution and Use of Pesticides.

4. An FAO/UNEP joint programme for the operation of the PIC procedure, including the work of the FAO/UNEP Joint Group of Experts on Prior Informed Consent, was introduced to the Working Group. The experts noted the priority listing of the pesticides and industrial chemicals recommended by the FAO/UNEP Joint Group. The Group also noted that the FAO Conference at its twenty-fifth session in November 1989 had adopted the incorporation of the PIC procedure into the FAO Code of Conduct.

5. The Working Group reviewed the activities of several developing and developed countries related to production and use of chemicals, as well as such activities of United Nations bodies, other intergovernmental organizations, and industrial and non-governmental organizations concerned. The Group also reviewed international legal instruments related to the production and use of chemicals. Several experts reported on activities in their respective countries related to the implementation of the PIC procedure or, more generally, the management and control of chemicals. Likewise, representatives of international organizations reported on the ongoing work of their respective organizations.

6. The experts stressed the need for technical assistance to developing countries in dealing with chemicals in international trade. In the course of the discussion, the experts agreed that the following types of technical assistance related to the implementation of the amended London Guidelines and the PIC procedure would be urgently needed: (i) assistance in establishing or strengthening national institutions, including the provision of equipment to national laboratories; (ii) workshops and training for decision makers and technical personnel at different levels; (iii) provision of access to data banks and other sources of information on chemicals. The representatives of international organizations informed the Working Group of their respective activities on the provisions of technical assistance.

7. The Working Group examined the draft model national legislation on the management of chemicals for the implementation of the amended London Guidelines prepared by UNEP secretariat and considered it a very important and useful document, especially for developing countries. A revised text of the draft model legislation, provided by the Sub-Working Group, was reviewed by the Working Group. The Working Group generally agreed that a flexible document on model legislation, with a modular approach that would allow countries, in particular the developing countries, to develop their own procedures and legislation in the field of chemicals would be advisable.

8. The Working Group discussed at length the need for further work on strengthening the legal basis of the amended London Guidelines and the possible need for a convention on chemicals. The possibility of adding further elements to the amended London Guidelines was also discussed at the meeting.

9. The Working Group adopted several recommendations that constitute a part of this report on the suggested action by the Governing Council (see paragraph 11 below).

10. The report of the Ad Hoc Working Group on its first session is available in document UNEP/PIC/WG.3/6, and the second session's report in document UNEP/PIC/WG.1/2/4. The report of the Sub-Working Group is also available in document UNEP/PIC/SWG.1/1/2, which includes a revised text of the draft model national legislation in its annex.

11. Suggested action by the Council:

The Governing Council may wish to:

(a) Recall its decision 85 (V) of 25 May 1977, in which it urged Governments to take steps to ensure that potentially harmful chemicals, in whatever form or commodity, which are unacceptable for domestic purpose in the exporting country, are not permitted to be exported without the knowledge and consent of appropriate authorities in the importing country;

(b) Also recall its decision 14/27 of 17 June 1987, by which the Council adopted the London Guidelines for the Exchange of Information on Chemicals in International Trade, which constitutes an important step towards the implementation of decision 85 (V);

(c) Further recall its decision 15/30 of 25 May 1989, by which the Council adopted the amended London Guidelines for the Exchange of Information on Chemicals in International Trade, which incorporated the prior informed consent (PIC) procedure into it in order to fully implement decision 85 (V), and requested the Executive Director to re-convene the Ad Hoc Working Group of Experts, which developed the prior informed consent procedure and other modalities to supplement the 1987 London Guidelines, with a view to:

(i) Monitoring, as appropriate and within available resources, the implementation of the amended London Guidelines, with particular attention to the prior informed consent procedure and the technical assistance provisions of part III of the Guidelines;

(ii) Reviewing other activities related to the production and use of chemicals in States, specifically including the work of the Food and Agriculture Organization of the United Nations on integrated pest management and in implementing the International Code of Conduct on the Distribution and Use of Pesticides, the work of the United Nations Environment Programme in conjunction with industry on chemical management and safety issues, and the experience of the United Nations Environment Programme and the Organization for Economic Co-operation and Development on information exchange, control of chemicals and developing and implementing conventions or agreements on transboundary movements of hazardous wastes;

(iii) On basis of such monitoring and review, preparing a report on any further steps that should be taken to supplement the amended London Guidelines, including the possible further need for a convention, for submission to the Governing Council at its seventeenth regular session;

(d) Take note with appreciation that, in accordance with decision 15/30, the Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines has completed its work as requested;

(e) Note that the Conference of the Food and Agriculture Organization of the United Nations at its twenty-fifth session in November 1989 adopted the amendments to the International Code of Conduct on the Distribution and Use of Pesticides by which the prior informed consent procedure was incorporated in the Code in a manner fully compatible with that of the amended London Guidelines, both procedurally and with respect to health and environmental protection;

(f) Note also with satisfaction that the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, through a joint programme including the work of their Joint Group of Experts on Prior Informed Consent, have been sharing the operational responsibility for the implementation of the prior informed consent procedure, including the selection of chemicals to be included, the preparation of prior informed consent decision guidance documents, mechanisms for information sharing, and the creation of data bases;

(g) Further note that the implementation of the amended London Guidelines, in particular the operation of the prior informed consent procedure and the implementation of the provisions on technical assistance set forth in part III of the Guidelines, would need additional resources for requisite activities to be undertaken by the United Nations Environment Programme;

(h) Urge Governments that have not yet done so to designate national authorities for the implementation of the amended London Guidelines, in particular the prior informed consent procedure;

(i) Recommend that the United Nations Environment Programme continue developing model national legislation to assist in the implementation of the amended London Guidelines by:

(i) Completing, as soon as possible, work on the current draft model national legislation that had been reviewed by the Ad Hoc Working Group, in close consultation with Governments and relevant international organizations;

(ii) Undertaking additional efforts to develop similar guidance material on other functional components of a comprehensive chemical management scheme, using the modular approach approved by the Ad Hoc Working Group;

(j) Recommend that the United Nations Environment Programme strengthen consultations with the Food and Agriculture Organization of the United Nations, the International Labour Organisation, the World Health Organization, the United Nations Institute for Training and Research, the General Agreement on Tariffs and Trade, the Organization for Economic Co-operation and Development, and the Commission of the European Communities in order:

(i) To enhance co-operation;

(ii) To harmonize activities relating to the implementation of the amended London Guidelines and the prior informed consent procedure;

(k) Recommend that the Executive Director invite the various private sector parties involved in the international trade in chemicals to enter into commitments aimed at achieving the objectives laid down in the amended London Guidelines and to prepare a code of ethics on the international trade in chemicals in consultation with the international organizations concerned;

(l) Recommend that the United Nations Environment Programme take urgent further steps for technical assistance to be provided to developing countries for the implementation of the amended London Guidelines;

(m) Recommend that Governments take all possible domestic measures to ensure that all concerned ministries and bodies in their countries are aware of the prior informed consent procedure;

(n) Urge Governments to adopt, to the extent possible, national legislation or to amend existing national legislation in order to incorporate necessary measures to implement the prior informed consent procedure and to prevent exports that contravene prior informed consent decisions by importing countries participating in the procedure;

(o) Request the Executive Director to re-convene the Ad Hoc Working Group for further urgent action, including work on strengthening the legal basis of the amended London Guidelines through the development of a convention, taking into consideration, inter alia, experience gained in the implementation of the Guidelines and the prior informed consent procedure, the ongoing work of the Preparatory Committee for the United Nations Conference on Environment and Development with regard to the development of an international framework for the environmentally sound management of toxic chemicals, and other relevant international instruments and activities.